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December 10, 1993

DEC 16 93
Honorable Dan Morales
Attorney General of the
State of Texas
Supreme Court Building
P.O. Box 12548
Austin, Texas 78711-2548

FILE #

I.D.#

MBJ
RQ-00653-DM
ML 23670-93

23670 24276
1-6-94

Re: Request for Attorney General's Opinion

Dear General Morales:

RQ-653

The Brown County District Clerk has asked that we make a request for an Attorney General's Opinion with regard to the following question:

Should the District Clerk honor a change of address request that would remit child support payments care of a collection agency?

Factual Summary

In 1986 Deborah Marie Coley and Robert Leslie Coley were divorced. The Decree of Divorce provided that Mr. Coley pay child support in the amount of \$200.00 per month to Ms. Coley for the support of their two minor children. A copy of the Agreed Decree of Divorce is attached to this request.

In 1993 the District Clerk received two documents from Debie Gilbert, formerly Deborah Marie Coley. Copies of these documents are also attached. As in opinion DM-222 these documents were a "Limited Power of Attorney and Authorization to Release Information" and a "Change of Address and Request for Payment History." This request asks you to address the question left open in DM-222.

Legal Summary

1. Does a child support recipient have the right to change her address?

In today's highly mobile society, child support recipients frequently change addresses. It is customary practice in this District Clerk's Office and presumably in others throughout the state to honor a child support recipient's change of address. We have found no law addressing the

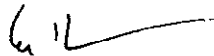
question of a change of address, but the Family Code obviously contemplates this occurrence. In Section 14.045 there is a mandatory provision that a conservator must give written notice of change of residence to all other parties who have possession of or access to the child.

2. If the recipient of child support payments may change her address generally, may she change it to "care of" a private child support collection service? In your opinion DM-222 you conclude that an assignment of child support payments is contrary to public policy. I would therefore conclude that a child support recipient may not do indirectly what she can not do directly and effectively make such assignment by having the child support mailed to her care of a private child support collection service.

*Fact is
wh
address
chg =
assignment*

We very much appreciate your consideration of this matter. If you have any questions, we will certainly try to answer them.

Respectfully submitted,



Lee Haney
District Attorney

LH/lg